

FARMINGTON CITY COUNCIL MEETING

August 16, 2016

WORK SESSION

Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson, John Bilton via phone, Brigham Mellor, Cory Ritz City Manager Dave Millheim, City Engineer Chad Boshell, Assistant City Engineer Russell Coons, Elite Croft Homes Representative Jerry Preston, City Recorder Holly Gadd and Recording Secretary Katie Gramse.

Discussion of Revised Boundaries and Public Improvements for Proposed Special Assessment Area (SAA)

Dave Millheim explained to the City Council about the two new schools being built in west Farmington. There is an elementary school and a high school both under construction and both will be finished within the next year. The City Council has asked how the roads surrounding these two schools will be improved and financed. There are several property owners in the surrounding area who have extension agreements in place. However, there are several other homes who do not have extension agreements and could be affected by the cost of putting in a curb and gutter and road improvements.

Special Assessment Areas (SAA) have to follow a statutory process. First, a Notice of Intent is passed to begin the process of starting an SAA. This process takes about 120 days. It requires the City Council to hold a public hearing, notify the people in the community, set boundaries, and other significant items. As the City started looking at the extension agreements in place the City decided to add more boundaries, but wanted to show the City Council as to why they wanted to change the boundaries. **Dave Millheim** explained to the City Council how extension agreements work. An extension agreement, if signed by the property owner, commits the owner and they cannot protest an SAA or the formation of such. The SAA does pass boundaries and currently a protest hearing is in place in October. Once the City Council holds the hearing, they cannot go back and change the boundary lines. The Council will not be able to add to the agreement. The City is recommending a larger area so the sidewalks around these schools will be finished. It is not a one-man one-vote rule. It is a weighted vote based on the property assessment value.

The total cost of the proposed SAA portion is about 2.8 dollars. One-third of the cost will come from the school district. Another third of the cost will come from the City in general, and the last third will come from the extension agreements. The property owners who signed their extension agreements do not have the right to protest. The law requires the City to reach a threshold of 60% of the affected property owners supporting the SAA. By contract the City is currently over the percentage with the extension agreements, if the Council wants to do it, we are over the required threshold.

Cory Ritz asked if there are owners that don't have extension agreements, are they still obligated to participate. **Dave Millheim** said yes, the law requires that the owners be assessed

proportional to their frontage, if you are in an SAA. The City Council can exclude parcels if they feel it is too big or should not belong in the agreement. However, the Council cannot pick and choose who they want to belong.

Dave Millheim explained to the City Council how the protest works; if a property owner without an extension agreement does not show up to the public hearing or file a certified letter to the City saying they protest the road it is automatically a yes vote. The property owner has to protest in writing after the public hearing and say they do not want the new road. The City has to track every vote individually. If the Council decides to approve the SAA those property owners who do not pay, the City, will put a lean on the property. If the Council decides to use the extension agreements, and the owners are unable to pay, the SAA allow the owners a financing option for 10 years to pay off their assessment versus paying it all within 90 days.

Dave Millheim also explained that the property owners who might want to add “special” projects to their property while the contractors are already putting in the new road modifications, the owners would be responsible to pay for the extra work that is done. For example, if the owners want a bigger driveway, trees removed, or sewer hook ups. They would be responsible for their projects in full. The contractor will only improve the road as it is contracted to do by the City on the day of formation. **Cory Ritz** suggested that those property owners who do not have water and or sewer hookup and choose not to fix it before or during the road construction, the City should stub the property. If in the future, the owner decides to change it, the owners should be charged for the entire project cost. **Dave Millheim** said they may be able to create an extension agreement and put a lateral in until the property owner pays their fees.

Dave Millheim summarized the options for the City Council. The Council can choose the assessment area as proposed, the Council can choose not to do the SAA but call the extension agreements, the Council can decide not to proceed in any further process, or the Council can adopt this assessment until the Council goes through the protest hearing and modify it to a lower level. It would be unwise to base an argument on previous feelings. It is important to ask if this Council wants to improve this road what are the steps in fixing it. Some of the community are unaware of the City and State code and the City does not have a choice where the State decides to put a school. The City is trying to improve this area and make it a safer option for the children and community that will be affected by these 2 new schools.

The vote tonight by the City Council is to pass a Notice of Intent which would allow the City to go to the next step in the process and schedule a public hearing. **Dave Millheim** said a lot of the people in this community are asking for the documents and **Dave Millheim** wanted the City Council to see them first. He will make these public documents available tomorrow, so the public can make a more informed decision.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson., City Manager Dave Millheim, City Engineer Chad Boshell, Assistant City Engineer Russell Coons, Elite Croft Homes Representative Jerry Preston, City Recorder Holly Gadd, and Recording Secretary Katie Gramse. Council Member John Bilton was excused.

CALL TO ORDER:

The invocation was offered by **Cory Ritz** and the Pledge of Allegiance was led by **Brett Anderson**.

Mayor Jim Talbot welcomed the youth city council members **Christopher Harris** and **Megan Merchant**.

Street Cross Section Modification Proposal for Residences at Farmington Hills Road

Mayor Talbot mentioned that the City Council went through this proposal extensively during our last Council meeting held on August 2, 2016. We know the recommendation from staff is to move that the City Council modify the Residences at Farmington Hills street cross-section Right-Of-Way (R.O.W.) from 56' to 50' as proposed on the attached drawing.

Dave Millheim said the Council will be approving a variance to the standard cross-section. Conditions on this cross-section were placed by the Council that the City add an extension agreement. The sidewalk portion that goes east to west is yet to be determined. This decision is up to the developer and Staff. It is important to point out that if the staff and developer cannot agree then it will come back to the Council to choose where the sidewalk will go. It is important to look at the pros and cons of which side of the road the sidewalk should go on.

Cory Ritz asked that a provision be made so that if the City ever needed to add an extension agreement it will be put in place. **Dave Millheim** answered by saying the extension agreement recommended by **Cory Ritz** and a provision will be put in place so the City will have this option in the future.

Motion:

Doug Anderson as per Section 12-8-100 of the Subdivision Ordinance made a motion that the City Council modify the Residences at Farmington Hills street cross-section ROW from 56' to 50' as proposed on the attached drawing and the following conditions:

1. 350 East must meet the modified street cross-section of 50' the entirety of its length, including Lots 22 and 23;

2. The modification may be on either side of the street, as determined by staff and the developer;
3. The applicant must enter into an extension agreement for sidewalk and park strip on the side of the road that is being modified.

Cory Ritz seconded the motion, which was unanimously approved

Chestnut Farms Phases IV and V Rezone Application

Mayor Talbot stated that the City Council discussed this portion during the last City Council meeting held on August 2, 2016. The staff initially was concerned about the street improvements that needed to be made. There is an agreement that will be made to make sure those will be taken care of. The staff recommends that the City Council approve the enclosed enabling ordinance rezoning 30.5 acres of property as described in Exhibit “A.” The Council concluded during the last session that the Applicant must enter into a developing agreement with the City for all agreed upon improvements related to 1525 prior to the rezone being affective.

Dave Millheim said this is a rezone but a conditional rezone. The City is deciding whether they should do the rezone via developing agreement or via special assessment area. In this particular case, the City thought it “muddied” the water to include such a large parcel with the other potential SAA that the City is considering. The City may do this rezone either by a different special assessment area or standard developer agreement. The developer said they could go either way depending on who this may effect. The City did not want the rezone to go into effect until that was resolved and the developer understands this.

Motion:

Brett Anderson that the City Council approve the enclosed enabling ordinance rezoning 30.5 acres of property as described in Exhibit “A” from A (Agricultural) to AE (Agricultural Estates located at approximately 500 South 1525 West, subject to all applicable Farmington City ordinances and standards and the following conditions:

1. The applicant must enter into a development agreement with the City for all agreed upon improvements related to 1525 West, prior to the rezone being effective;
2. The rezone is contingent upon the approval of final plat for Phases IV and V of the Chestnut Farms PUD Subdivision.

Findings for Approval:

1. The requested zone change is consistent with the General Plan for the area.
2. The requested zone change is associated with the requested subdivision application for Chestnut Farms Phase IV PUD Subdivision. The preliminary plat as submitted is consistent with the rezone application.
3. Staff feels that granting this zone change would allow proportionate sized single family homes on all of the property consistent with previous phases of the development.
4. It has been common practice that all agricultural zone land east of the 4218 line will be rezoned to AE.

Doug Anderson seconded the motion, which was unanimously approved

Minute Motion Approving Summary Action List

1. Historic Landmark Designation – Robinson Buildings
(Now the Gregson and Tidwell Homes)
2. Real Estate Purchase Contract for Land Located at Approximately 170 South Main
3. Approval of Great Western Landscape to Construct the 650 West Irrigation Project

Dave Millheim suggested to the City Council to pull Item 2 off of the Summary Action List for a later discussion in the meeting. **Dave Millheim** will go into further explanation and may answer some concerns and questions the neighbors might have surrounding the proposed purchase lot at about 170 South Main.

Motion:

Cory Ritz made the motion that the City Council pull item 2 from the Summary Action List and vote on items 1 and 3. **Brigham Mellor** seconded the motion, which was unanimously approved

Minute Motion Approving Summary Action List

1. Historic Landmark Designation – Robinson Buildings
(Now the Gregson and Tidwell Homes)
3. Approval of Great Western Landscape to Construct the 650 West Irrigation Project

Dave Anderson had questions about the irrigation project and exactly what it may entail. **Dave Millheim** said it would be all the underground irrigation pipes for all the area of the park that would be completed in the next year.

Brett Anderson made the motion that the City Council approve the Summary Action List Items 1 and 3. **Cory Ritz** seconded the motion, which was unanimously approved.

Minute Motion Approving Summary Action List

2. Real Estate Purchase Contract for Land Located at Approximately 170 South Main

Dave Millheim thanked the community members and neighbors of this surrounding lot for attending tonight's meeting. The contract also has to be approved by the City Council for the purchase of this property at about 170 South Main. The City approached the property owner of this lot several years ago that the City would be interested in purchasing the property when they were ready to sell. The owner of the property recently passed away and his heirs came to the City and expressed that they were ready to sell the property. **Dave Millheim** proposed this offer to the City Council in a previous closed session meeting. The Council wanted to proceed in the

purchase of this property and asked a contract be written up. The Council cannot purchase the property unless it is in an open session.

Dave Millheim said the City in this case is unsure what to do with this parcel. **Dave Millheim** asked the Planning Staff to give the City 3 scenarios. The first scenario would be to leave the house alone, board up the home, clean up the property, and place a driveway that will run through the property to provide a way out of the parking lot. The second scenario would be a driveway extension with also a parking area leaving the house where it is. The third option would be to take the house and fence down conjoining the 2 properties and add parking stalls. If the Council decides to purchase this parcel the City would be held responsible to take care of the property. The intent of buying this would be the potential expansion that the City might need in the future and the primary reason for purchasing it now would be for better traffic circulation and more parking stalls.

Mayor Talbot wanted to be clear, this is not a public hearing but allowed a few of the neighboring property owners to speak for only 2-3 mins. **Jeannie Gates Jarvis**, 8th West 200 South expressed to the Council how important this particular community was to her with the beauty and surrounding landscape. **Jeannie Gates Jarvis** said how important the trees in this area are and more specifically in her yard. She mentioned that she only owns 3-4 feet of the trees adjoining her property and the property that is being purchased. This is a residential neighborhood and **Jeannie Gates Jarvis** main concern is, what will happen with the trees on the property. The tree beautifies the neighborhood and adds to the atmosphere of her yard. If the Trees are taken down it would be a lack of privacy to a few of the neighbors bordering this parcel.

Dave Millheim mentioned that the man who is doing the site scenarios for the City is a landscape architect and will try to preserve as many of the trees as possible. **Brigham Mellor** stated that the planning commission doubles as a shade tree commission and he knows the value of trees in this area. The City hires the landscapers and they follow the same vision as much as the residents do in conserving the trees. **Cory Ritz** also acknowledged the importance of the trees and would also like to keep as many as they can.

Motion:

Cory Ritz made a motion that the City Council approve the Real Estate purchase contract as listed in the Summary Action List. **Doug Anderson** second the motion, which was unanimously approved.

Discussion of Revised Boundaries and Public Improvements for Proposed Special Assessment Area (SAA)

Brett Anderson asked if there would be another option for those individuals who might be affected with a financial inability to pay for their portion of the road construction. He was wondering if there would be some sort of deferral and sometime in the future it would make the property owner have to pay for their portion of their improvements. **Cory Ritz** suggested that it would be a legal question for the City Attorney, but **Cory Ritz** thought it would be best for the

City and Council to try to be upfront and have a list of measurements or qualification criteria if the property owner meets a threshold. If the property meets the threshold they would be put into a deferral status, including a tax lien sale, and have nothing happen until the property changes ownership. This would have to be a perpetual and legal change.

Brigham Mellor suggested that after 5 years if the property owners do not pay their portion of the road improvements then it go into a tax lien. He was hoping there would be a way to stay clear of the county getting too heavily involved with bonds and so forth. **Brigham Mellor** feels it is up to the property owner to find their own mechanisms to stay out of a tax lien. After the 5 years are up and the lien is still not paid, the County could sort out the tax lien and collect the money. An extension agreement ensures the property owners will pay their fair share of the cost.

Mayor Talbot said whether the community wants the schools or not, it is coming regardless and it is up to the City to have the safest option. This road needs to be improved for many reasons, but it needs to be completed for the safety of the children and community. **Mayor Talbot** is concerned about a tax lean because 5 years goes by fast, especially for the property owners who are on a fixed income. If a property owner is not well educated on what a tax lien is it can be devastating to that owner. The City has tried and extended themselves to these individuals and has talked to many of these owners who might be affected. The Council needs to move forward so that the public can come and voice their concerns. We are voting tonight so that we can move forward in the process.

Brigham Mellor said we need to start with the larger boundaries and go into the public hearing with an unbiased opinion and then make our decision after the hearings. The road should be placed to protect pedestrians and bikers. **Doug Anderson** shared his sympathies to those individual who will be affected by the cost of the road. However, he knows the improvements made on this road will be in the benefit of the community. **Cory Ritz** agreed with the other Council members and said the next step would be the explorative process, informative process and learning process.

Dave Millheim said there is a proposed schedule in place. There are 32 legal action steps in this process and currently the City is on step 2. The Council needs to look at the expanded areas and see if they feel comfortable with the boundaries that are set. If the Council decides to move forward, the next City Council meeting will have an intent resolution placed on the agenda and if the staff would like to proceed after that, it would be the City's intent to start the process of the SAA.

The Council is all in agreement with the expanded boundaries that are currently in place and would like to move forward on the proposed schedule.

GOVERNING BODY REPORTS:

City Manager - Dave Millheim

Dave Millheim did not have anything to report at this time

Mayor Jim Talbot

1. UCLT Conference is held on September 14th, 15th, and 16th and is expensive so let **Holly Gadd** know if you and your spouse would like to attend. This conference is nice to go to see people and listen to the speakers.
2. September 8th is the Hyatt open house grand opening from 5:00-7:00pm and the ribbon cutting is on the 9th also from 5:00-7:00.
3. Last night was the volunteer dinner with all the volunteers within the community. There are almost 800 volunteers in Farmington City and it is nice to be able to tell them thank you.
4. The wildlife education center is having its ground breaking on September 8th at 10:00am.

Council Member- Brett Anderson

1. There have been emails where the Historic Preservation had concerns about their budget and questioning if they have been resolved. **Brett Anderson** asked **Dave Millheim** if the Historic Preservation committee member **John Anderson** is clear on his budget and authority and how to use it. **Dave Millheim** answered and said yes,
2. **Brett Anderson** asked who he might talk to for the best information on changing a residence single family unit to a multi-family unit. **Dave Peterson** is the public relations employee and would be the best person to talk to, to take care of this issue

Council Member – Brigham Mellor

1. He thanked the staff who sent in a recommendation on his behalf for the ULCT. The recommendations need to be in by August 18th if a Council member wants to send one in.
2. The Council members need to let **Holly Gadd** know whether or not they are planning on going to the League Conference.
3. He would like to put discussion of a pool cover on as a future work session item.

Council Member – Cory Ritz

1. Zika is not a concern for the residents in Utah. West Nile Virus is a concern for the inhabitants here. West Nile came to the United States about 20 years ago and hit New York. Eventually, the Virus hit the Mississippi and the Virus went rampant moving west because the mosquitos in this area are contusive to this type of virus. It is a bird disease but the mosquitos are the ones that spread it. Utah has a great mosquito abatement program and currently Davis County has 0 activity so far. West Nile Virus is an RNA virus and once a person gets it they can only treat the symptoms not the disease. The virus primarily affects the health impaired the geriatric and pediatric population.

Council Member - Doug Anderson

1. The Youth City Council is off until September.

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2. The Chamber of Commerce meeting was a success and many council members attended. They had a great CEO and he donated to the bird refuge.
3. Restaurants Noodles and Co. and Chipotle opened. The Hyatt opened and is 60% full and in use. Cabela's is doing well and has a very loyal customer base. Many more establishments are opening in the near future.

ADJOURNMENT

Motion:

At 8:28 p.m., **Doug Anderson** made a motion to adjourn the meeting. **Cory Ritz** seconded the motion, which was unanimously approved.

Holly Gadd, City Recorder
Farmington City Corporation

Posted: 10/20/16